

REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested. Claims 62-75 were in the application, claims 62-64, 67-69 and 73-74 have been amended.

In the advisory action, the Examiner indicated that the "room" limitation was confusing, and so the claims have been revised to refer to the "room preassembled as a service module" which more clearly describes the applicants' invention.

As discussed in the response to the Final Office Action, the applicant's inventive modular building is constructed by first preassembling a room, such as the kitchen of a restaurant, which not only includes connections to services such as water, electricity and sewer, but which also is outfitted with the fixtures which require these services. Support for this is found in paragraph 0038, 0042 and Fig. 3, where it describes the service module 2a as including the devices and equipment necessary to form the kitchen of a restaurant, service module 2b as being a bathroom of the building, and paragraph 0048, where a service module 2e is an office fitted with "typical office furniture".

In essence, the first room is preassembled, having specific dimensions suited for container transport, the preassembled room being the first component deposited on the foundation prepared at the building site. Then, the other horizontal and vertical components, which are pre-constructed having very specific dimensions in relation to both the room and the transport vehicle, which enables a rapid assembly of a complete building, as all the vertical and horizontal components are of a common size, keyed to the preassembled room.

The arguments previously presented in the response to the Final rejection are equally applicable here, though directed to the claims as clarified above. The applicant continues to believe that claims 62, 64-69, 71 and 72 are not obvious over Bigelow, U.S. Patent no. 4,327,529.

The Examiner stated that it would have been obvious "to fabricate the

service module and segments to dimensions that fit into a container..."(emphasis added) However, the amended claim language requires a preassembled room to be provided having dimensions "corresponding to" a vehicle appropriate for container transportation.

As shown and described in the specification, the room preassembled at the factory as the service module has a width matching the width of a typical container, and in one embodiment, a length that is about 1/2 of a typical container, so that a block of vertical and horizontal segments can travel behind the service module as shown in Fig. 1, these segments having dimensions set in reference to the service module dimensions. In this case, a complete transportable building can fit on a single vehicle trailer.

For a transportable building to meet the claim requirements, the segment lengths must be twice the height of the room preassembled as the service module. This is critical, as uniformity and correspondence in dimensions are required to create the applicants' transportable building. This avoids the delays and additional construction expense which is necessitated when a building such as the one in Bigelow is constructed from multiple components of different sizes and shapes. The applicant provides a complete building made from parts of uniform and dimensionally related sizes and shapes.

Bigelow, Jr. has no components which meet the limitations of claims 62 and 68. In particular, while the various parts used in Bigelow may be transportable, there is no uniformity in dimensions, and no room is preassembled as a service module that matches the vehicle dimensions. The core portion referred to in Bigelow may fit inside a container, as shown in Bigelow Fig. 4, but it is loaded with many other components of multiple sizes and dimensions, including separate fixtures which are not preassembled, and so Bigelow lacks a room that forms the keystone from which the rest of a building is assembled.

Bigelow does not disclose, teach, suggest or predictably lead one to a room preassembled as a service module outfitted with fixtures preassembled therein

ready for connection to building services so that the room once placed on the foundation is in a ready to use condition. As shown in Bigelow Fig. 4, and as described in the patent, substantial assembly is required before even the core is ready to use. All the fixtures are separately shipped and must be assembled on site, while the applicants' room, being preassembled complete with it's walls, floor, ceiling plate and fixtures pre-assembled therein, need only simply be dropped onto a foundation.

Consequently, as there is nothing to teach, suggest or predictably lead one skilled in the art to the applicant's invention, claims 62, 68 and the claims depending therefrom are not rendered obvious over Bigelow.

Claims 63, 73 and 74 were rejected as being obvious over Bigelow, Jr. et al in view of McCrillis et al, U.S. Patent no. 3,831,327.

The Examiner refers to McCrillis et al as presenting service modules 48, 60 in an end to end relationship. However, the service modules of McCrillis are not preassembled rooms but portions of rooms that are incorporated later with walls and ceilings, such as wall 50, as best illustrated in Figures 1 and 2. Moreover, the alleged service modules are not connected together, but are separated by the wall 150, and so they do not form a true end to end assembly. Also, the particular dimensional relationships between the preassembled room and vertical walls and horizontal floor/ceiling portions of the applicant's invention are not found in McCrillis, and in fact, McCrillis would lead one away from the present invention as the long load bearing walls are necessary to properly support a building made from prestressed concrete, whereas, such long load bearing walls are not used in the present invention. Consequently, claims 63, 73 and 74 are not believed to be obvious over the proposed combination.

Claim 70 was rejected as being obvious over Bigelow in view of Harley, U.S. Patent 2,089,059.

Claim 70 depends from and contains all the limitations of claim 68 therein, and the arguments above relative to Bigelow are equally applicable here. Harley

was cited as disclosing vertical square posts. However, Harley does not overcome the deficiencies of Bigelow relative to the room preassembled as a service module of claim 68, nor does Harley teach the specific dimensional relationships which allow for rapid assembly of a building on site, and claim 70 is believed to be patentable over the proposed combination.

Claim 75 was rejected as being obvious over Bigelow in view of McCrillis and further in view of Harley. Claim 75 depends from and contains all the limitations of claims 74 and 68 therein, and the arguments above relative to Bigelow, McCrillis and Hurley are equally applicable here. In particular, neither McCrillis nor Harley overcome the deficiencies of Bigelow relative to the room preassembled as a service module of claim 68, nor do McCrillis or Harley teach the specific dimensional relationships which allow for rapid assembly of a building on site, and claim 75 is believed to be patentable over the proposed combination.

Based on the above amendments and remarks, reconsideration and allowance of the application are respectfully requested. However, should the examiner believe that direct contact with the applicant's attorney is necessary to advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

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